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Staff: Robert Merrill
Staff Report: December 22, 2000
Hearing Date: January 12, 2001
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-99-031**

APPLICANT: Mid-County Ranch

PROJECT LOCATION: At the southern end of Walker Point Road, in the Indianola area between Eureka and Arcata, Humboldt County; APNs 402-171-11, 12, 13, 14, 15, 16, 17, 18.

PROJECT DESCRIPTION: Divide a 77-acre parcel into 13 lots ranging in size from 2.53 to 29 acres.

Lot Areas:	Lot 1	2.53 acres
	Lot 2	2.54 acres
	Lot 3	2.54 acres
	Lot 4	2.54 acres
	Lot 5	2.53 acres
	Lot 6	2.54 acres
	Lot 7	15.3 acres
	Lot 8	2.53 acres
	Lot 9	2.53 acres
	Lot 10	2.53 acres
	Lot 11	3.7 acres
	Lot 12	3.7 acres
	Lot 13	3.7 acres
	Remainder	29 acres

Plan Designations: Upland Area of Site. Rural Residential, 2.5-acre minimum parcel size (RR(2.5)).

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Lowland Area of Site. Rural Residential, 10-acre minimum parcel size (RR(10)) over lowland areas of site.

Zoning:

Upland Area of Site. Rural Residential Agriculture with 2.5-acre minimum parcel size and combining zones which require Design Review, and indicate possible Flood Hazard Areas, Coastal Wetland Area, and Archaeological Resource Areas (RR-2.5/D,F, W,A).

Lowland Area of Site. Rural Residential Agriculture with 10-acre minimum parcel size and combining zones which require Design Review, and indicate possible Flood Hazard Areas, Coastal Wetland Area, and Archaeological Resource Areas (RR-2.5/D,F, W,A).

LOCAL APPROVALS RECEIVED: Humboldt County Tentative Map Nos. FMS-06-97 and FMS 12-912, Coastal Development Permit Nos. CDP-50-912 and CDP-58-97, and Special Permit Nos. SP-49-912 and SP-50-97.

OTHER APPROVALS REQUIRED: None Required

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program.

STAFF NOTES:

1. Jurisdiction and Standard of Review.

The proposed project site is located off of Walker Point Road, about a half mile east of Humboldt Bay. The project site is bisected by the boundary of the Commission's retained jurisdiction and the coastal development permit jurisdiction of Humboldt County. Humboldt County has already granted coastal development permits for the portion of the development within the County's permit jurisdiction. The portion of the site within the Commission's jurisdiction is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

SUMMARY OF STAFF RECOMMENDATION

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Staff recommends that the Commission approve with conditions the proposed division of a 77-acre parcel into 13 lots ranging in size from 2.53 to 29 acres. The subject property is located on Walker Point, a low ridge located between Eureka and Arcata approximately one-half mile east of Highway 101 and Humboldt Bay. The subject property is bisected by the boundary between the Commission's coastal development permit jurisdiction and the coastal development permit jurisdiction of Humboldt County. The boundary line generally follows the base of the thumb-shaped southern portion of Walker Point. The lowland areas of the property surrounding the Point are shown on maps provided by the State Lands Commission as potentially subject to the public trust and therefore within the Commission's retained permit jurisdiction.

The Mid-County Ranch residential subdivision was the subject of an LCP amendment certified by the Commission in 1988. Humboldt County LCP Amendment No. 1-88 (major) amended the Land Use Plan designation and Zoning for the subject property from Agricultural Exclusive to Rural Residential. The amendment established the 2.5-acre minimum parcel sizes applicable to most of the property and the 10-acre minimum parcel size applicable to a 15-acre lowland area between the end of Walker Point and Myrtle Avenue. In certifying the LCP amendment, the Commission acknowledged that the amendment would allow for the conversion from agricultural use to residential use. The adopted findings state:

“Although the LCP amendment is not in itself a proposal for residential development, the amendment would clearly facilitate such development. The analysis which follows therefore reviews conversion from agricultural use to residential use for its impacts on coastal resources.”

Thus, when the Commission certified LCP Amendment No. 1-88, the Commission anticipated that a specific land division proposal such as the subdivision proposed in Coastal Development Permit Application No. 1-99-031 would be forthcoming and accommodated by the LCP amendment. In addition, the Commission found that a subdivision meeting the density and other requirements of the LCP as amended would be consistent with the Coastal Act.

In certifying the LCP Amendment the Commission approved the conversion of the site from agricultural use to residential use. To be consistent with Section 30241 and 30242 of the Coastal Act, the proposed development must also minimize conflicts between the urban land uses proposed and the agricultural uses on adjoining lands by maintaining a suitable buffer between these uses. Suitable building sites have been identified for all of the parcels to be created by the proposed subdivision near the top of Walker Point, outside of the Commission's coastal development permit jurisdiction and well away from the adjoining agricultural lands. However, future development of accessory structures or other improvements to the single family residences to be built within the Commission's jurisdiction on newly created parcels, such as storage sheds, yard improvements, pathways, or grading for landscaping improvements, could potentially affect the

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productivity of the adjoining agricultural lands. Many of these kinds of development activities are normally exempt from the need to obtain a coastal development permit under Section 30610(a) of the Coastal Act. To ensure that any future development on the subject property that is not proposed under the current application would not adversely affect the productivity of the adjoining agricultural lands consistent with Sections 30241 and 30242 of the Coastal Act, staff recommends that the Commission attach a special condition requiring recordation of deed restrictions stating that any future development on the subject property within the Commission's jurisdiction would require a coastal development permit. This requirement would enable the Commission to review such development and ensure that the development would be located and designed in a manner that would not adversely affect the productivity of the adjoining agricultural lands.

The proposed special condition is also needed to ensure that future development resulting from the subdivision that might otherwise be exempt from the need for a coastal development permit can be reviewed to protect environmentally sensitive habitat and archaeological resources that exist on the site. Virtually all of the lowland area at the base of Walker Point within the Commission's jurisdiction consists of grazed wetlands, salt marsh, brackish marsh, and riparian wetlands. In addition, archaeological surveys conducted on the subject property indicate that archaeological resources are present in these same wetland areas.

In conjunction with the County's approval of a tentative map for Phase I of the Mid County Ranch subdivision in 1992, the applicants recorded an irrevocable offer to dedicate an easement for public access from the terminus of Walker Point Road to the toe of Walker Point and around the western perimeter of the property adjacent to the Fay Slough Wildlife Area. Although the proposed subdivision would increase residential density in the area by adding a total of 11 additional homesites, any additional demand for public access created by the subdivision would be accommodated by the already recorded offer of dedication of public access. Therefore, staff recommends that the Commission find that the project as proposed without any additional public access is consistent with public access policies of the Coastal Act.

The subject property is located outside of the urban boundary of Eureka, and is therefore subject to the rural land division criteria of Section 30250(a) of the Coastal Act. To meet the criteria, the subject property must be located within an area where 50% or more of the usable parcels have been developed, and the newly created parcels must be no smaller than the average size of the surrounding parcels. During its review of Humboldt County LCP Amendment No. 1-88, the Commission determined that the amendment was consistent with the rural land division criteria. The development history in the area over the twelve years since the Commission certified the LCP amendment has not affected the conformance of the 2.5-acre minimum parcel size established for the subject property with the rural land division criteria of the Coastal Act. Other than the division of the subject property itself approved by the County, there have been no significant land divisions or parcel mergers approved either by the County or the Coastal Commission.

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within the ¼-mile radius area around the subject property that the Commission examined in its review of the LCP amendment's conformance with the rural land division criteria. Thus, the average, mode and median size of surrounding parcels are unlikely to have changed appreciably. Additional homes have been approved and constructed over the last 12 years within the ¼-mile area, and thus the percentage of parcels that have been developed has risen from the 84% development percentage that the Commission determined existed for the area when the Commission certified the LCP amendment. Therefore, staff recommends that the Commission find that the proposed subdivision is consistent with the rural land division criteria of Section 30250(a) of the Coastal Act.

The residential parcels to be created by the proposed subdivision would be served by on-site septic systems and water wells. The applicant has submitted evidence with the application that parcels have adequate soils and groundwater to accommodate the proposed development. In addition, the County determined that existing roads would adequately serve the proposed subdivision and the development would not have a significant impact on traffic. Therefore, staff recommends that the Commission find that the proposed subdivision would be located in an existing developed area able to accommodate it consistent with the requirements of Section 30250 of the Coastal Act.

As conditioned, staff has determined that the proposed development would be consistent with the Chapter 3 policies of the Coastal Act and recommends approval with conditions. The appropriate motions and resolutions to adopt the staff recommendation follow.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-99-031 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of the majority of the Commissioners present.

Resolution to Approve Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to

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substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See attached.

III. SPECIAL CONDITIONS:

1. Future Development Deed Restrictions

A. This permit is only for the development described in coastal development permit No.1-99-031. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the area governed by Coastal Development Permit No. 1-99-031. Accordingly, within the area governed by Coastal Development Permit No. 1-99-031, any future improvements to single family homes developed at any time on any of the parcels created by the subdivision authorized by Coastal Development Permit No. 1-99-031 including but not limited to fences, storage structures, landscaping, accessory structures, and repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 1-99-031 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit evidence that deed restrictions in a form and content acceptable to the Executive Director, reflecting the above restrictions on development have been recorded for all of the property involved in the subdivision authorized by Coastal Development Permit No. 1-99-031. The deed restrictions shall include legal descriptions of each entire parcel. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restrictions shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Condition Compliance

A. **WITHIN 180 DAYS OF COMMISSION ACTION ON COASTAL DEVELOPMENT PERMIT APPLICATION NO. 1-99-031,** or within such

additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Site Description.

The subject property consists of approximately 77 acres of land located near the unincorporated area of Indianola between Eureka and Arcata, near the end of Fay Slough off of Walker Point Road and west of Myrtle Avenue (see Exhibits 1-6). The property has been known in the past as Mid-City or Mid-County Ranch.

Approximately half of the roughly L-shaped property covers most of the southern portion of a thumb-shaped low ridge that has a maximum elevation of approximately 100 feet above sea level. The ridge is known locally as Walker Point. The property also includes lowland areas to the west, south, and southeast of the Walker Point that extend down to sea level. The largest lowland area consists of an approximately 15-acre piece of land adjacent to Myrtle Avenue.

The upland area of the subject property is covered at the northern end by coastal coniferous forest and on the southern end by grassland. A narrow band of remnant riparian woodlands and seasonal and brackish marshes lie along the southern, western, and eastern edges of the base of the ridge. Adjacent lowland areas are former tidelands that were diked off from Humboldt Bay and tributary sloughs at the beginning of the 20th century. Due to the dikes, high winter rainfall, and impervious clay soils, the lowlands function as seasonal freshwater wetlands.

The property is designated in the certified Humboldt Bay Area Plan and zoned as Rural Residential, which primarily is a designation and zoning for single-family residential use but which allows for various kinds of low intensity agricultural activities. Most of the property is subject to a 2.5-acre minimum parcel size, although the 15 acre lowland area adjoining Myrtle Avenue is subject to a 10-acre minimum parcel size. The property is also covered by various combining zones which require Design Review, and indicate possible Flood Hazard Areas, Coastal Wetland Areas, and Archaeological Resource Areas.

Walker Point Road provides the only road access to the subject property except for Myrtle Avenue which serves an existing dwelling at the southeast corner of the property.

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The northern half of Walker Point Road is within the City limits of the City of Eureka and is maintained by the City. The southern end near the project site is outside of the city limits and maintained by the County.

A water supply pipeline crosses the southeast corner of the property within a right-of-way owned by the City of Eureka. The pipeline supplies untreated water to the Eureka municipal water system.

Surrounding property is devoted to a mix of different land uses. Along Walker Point Road to the northeast of the subject property is a residential community comprised of several dozen parcels most of which are developed with residences. Other rural residential parcels lie to the east of the site. To the west of the subject property is the Fay Slough Wildlife area, owned and managed by the Department of Fish & Game. Areas south of the subject property are agricultural parcels mainly used for grazing.

The property is bisected by the boundary between the Commission's coastal development permit jurisdiction and the coastal development permit jurisdiction of Humboldt County. The boundary line generally traces the base of the thumb-like shape of the southern portion of Walker Point. The upland areas of Walker Point are within the County's jurisdiction and the lowland areas surrounding the Point are shown on maps provided by the State Lands Commission as potentially subject to the public trust and therefore within the Commission's retained permit jurisdiction.

B. Project Description.

The proposed project consists of the subdivision of the 77-acre property into a total of 13 lots ranging in size from 2.53 to 29 acres. The parcels to be created can be grouped into five distinct groups with similar characteristics.

Lots 1-6 comprise the first group and include the portions of the subject property west of the developed portion of Walker Point Road. These proposed parcels are generally 190-feet-wide by 590-feet-long and 2.53 acres in size. These upland parcels would occupy a portion of the hilltop of Walker Point, although the parcels slope steeply down to the lowlands at their western ends. The local approvals for the subdivision identify building sites for each of these parcels on the hilltop. Single family residences have already been developed on most of these parcels.

The second group consists just of proposed Lot 7. This proposed parcel is 15.3 acres in size and occupies the lowland area west of Myrtle Avenue and east of Walker Point. The parcel is developed with a pre-Coastal Act single-family house on an existing fill pad and is still used for agricultural grazing.

Lots 8-10 comprise the third group and include three lots that would be created west of a proposed extension of Walker Point Road. These parcels would be similar in

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characteristics to the first group, being approximately 2.53 acres in size, consisting of upland parcels occupying a portion of the hilltop of Walker Point that slope steeply downward to the lowlands at their western ends, and having County designated building sites on the hilltop.

Proposed lots 11-13 comprise the fourth group and include three lots that would be created east of the proposed extension of Walker Point Road. These three parcels would be approximately 3.7 acres in size and extend from the hilltop at Walker Point Road to lowlands at their eastern ends. These proposed parcels also have County-designated building sites in the hilltop areas.

The last group consists just of a 29-acre remainder parcel south of the third and fourth groups of proposed parcels and west of the 15-acre parcel. This parcel may be proposed for further subdivision in the future, but no such division is proposed under the current permit application. The parcel would include the southern end of Walker Point and extend down to lowlands to the west, south, and east.

The subdivision is a phased project. Phase I of the proposed subdivision consists of the creation of the first two groups of lots, Lots 1-6 and Lot 7 and their separation from the rest of the subject property. Phase II consists of the creation of the third and fourth groups of lots, Lots 8-10 and Lots 11-13, and their separation from the 29-acre remainder parcel.

Phase I of the proposed subdivision has already occurred without benefit of a coastal development permit from the Commission. Phase I had been approved by the County, which granted a tentative map approval, special permit, and coastal development permit. However, when the local approvals were processed, neither the applicant nor the County acknowledged that portions of the site extend into the jurisdiction of the Coastal Commission. Not until a boundary determination was performed for Phase II of the project did it become apparent that parts of Phase I of the subdivision are within the Commission's permit jurisdiction. Most of the Phase I lots west of Walker Point Road have been developed with single family residences. The house has existed for many years off of Myrtle avenue on the 15-acre lowland portion of the property southeast of Walker Point.

C. Previous LCP Amendment.

The Mid-County Ranch residential subdivision was the subject of an LCP amendment certified by the Commission in 1988. Humboldt County LCP Amendment No. 1-88 (major) amended the Land Use Plan designation and Zoning for the subject property from Agricultural Exclusive to Rural Residential. The amendment established the 2.5-acre minimum parcel sizes applicable to most of the property and the 10-acre minimum parcel size applicable to the 15-acre lowland area between the end of Walker Point and Myrtle

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Avenue. As proposed, the Land Use Plan amendment also added provisions to the LUP requiring that any subsequent subdivision of the property be conditioned to require:

- a. A 100-foot wide wetland/resource area buffer;
- b. An offer of dedication of a public accessway to the base of Walker Point;
and
- c. Access road improvements to Walker Point and Indianola Cut-off Roads.

The Implementation Plan amendment also added the combining zones to the property regarding archaeological resources, coastal wetlands, flood hazards, and design review.

In certifying the LCP amendment, the Commission acknowledged that the amendment would allow for the conversion from agricultural use to residential use. An excerpt from the revised findings adopted for certification of the LUP amendment states the following:

“Although the LCP amendment is not in itself a proposal for residential development, the amendment would clearly facilitate such development. The analysis which follows therefore reviews conversion from agricultural use to residential use for its impacts on coastal resources.”

The revised findings for certification of the LUP amendment include findings regarding the specific topics of agricultural land use, land divisions outside of existing developed areas, urban services, biological resources, scenic quality, archaeological resources, and public access. A copy of the adopted findings are attached as Exhibit 7 of this report. With regard to conversion from agricultural use to residential use, the Commission found that the subject property does not contain prime agricultural soils, would meet the conversion requirements of Section 30241 and 30242 of the Coastal Act, and would avoid conflicts between agricultural and urban land uses. With regard to land divisions outside of existing developed areas, the Commission found that the proposed LUP amendment is consistent with the rural land division criteria of Section 30250(a) of the Coastal Act. With regard to urban services, the Commission found that with the proposed parcel density of one dwelling unit per 2.5 acres, future residential development could likely be served by on-site septic systems and on-site wells. With regard to biological resources, the Commission found that the County’s proposed 100-foot buffer to be established from the upper extent of all wetland and riparian areas on the property would protect the quality and biological productivity of coastal waters and other environmentally sensitive habitat consistent with Sections 30231 and 30240(a) of the Coastal Act. With regard to scenic qualities, the Commission found that with the provisions of the proposed amendment to establish a design review combining zone and the resulting requirement that any development of the property would be subject to design review, the LUP amendment would adequately protect the scenic and visual quality of the area consistent with Section 30251 of the Coastal Act. With regard to the protection of archaeological resources, the Commission found that as the known archaeological resources of the site are within areas the LUP amendment proposed as

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wetland/riparian buffer areas, the proposed amendment would ensure that the archaeological resources would be protected and thus the amendment is consistent with Section 30244 of the Coastal Act which requires mitigation of impacts on archaeological resources. With regard to public access, the Commission noted that the LUP amendment as submitted included a provision requiring that subdivision of the property be subject to a public access easement extending from the terminus of Walker Point Road to the toe of Walker Point and around the western perimeter of the property adjacent to the lands now owned and managed as a wildlife area by Fish & Game. With this provision, the Commission concluded the proposed LUP amendment was consistent with the public access policies of the Coastal Act.

In its findings certifying the accompanying change to the Implementation Plan portion of the LCP, the Commission found that the Residential Agriculture zoning for the subject property would be consistent with and adequate to carry out the Rural Residential LUP designation. The Commission also found that the proposed minimum parcel size requirements would be consistent with the density provisions of the LUP, as amended.

Thus, when the Commission certified LCP Amendment No. 1-88, the Commission anticipated that a specific land division proposal such as the subdivision proposed in Coastal Development Permit Application No. 1-99-031 would be forthcoming and accommodated by the LCP amendment. In addition, the Commission found that a subdivision meeting the density and other requirements of the LCP as amended would be consistent with the Coastal Act.

D. Land Divisions Outside Existing Developed Areas.

Section 30250(a) provides as follows:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The subject property is located outside of the urban boundary of Eureka, and is therefore subject to the rural land division criteria of Section 30250(a) of the Coastal Act. To meet the criteria, the subject property must be located within an area where 50% or more of the usable parcels have been developed, and the newly created parcels must be no smaller than the average size of the surrounding parcels.

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During its review of Humboldt County LCP Amendment No. 1-88, the Commission considered whether the minimum parcel size allowed under the LCP amendment (2.5 acres) would be consistent with the rural land division criteria of Section 30250(a) of the Coastal Act. The Commission determined that the amendment was consistent with the criteria based on the following analysis contained in the findings for certification of the LUP amendment:

“Taking the second test first, the Commission has normally taken "surrounding parcels" to include those within a quarter-mile radius. Consistent with the decision of a state court of appeal (Billings v. CCC (1980) 103 Cal.App.3rd 729), this radius may be modified where geographic or other features clearly distinguish some of the parcels within it from those surrounding the subject property. In this instance, no such feature exists within the quarter-mile radius.

Some 95 parcels lie within one-quarter mile of the subject property. Four of these parcels are designed by the LCP for Agricultural Exclusive (AE) use, while nearly all the remainder are designated Rural Residential or Rural Exurban. Of the residential parcels, over half are less than one acre in size, and the largest is 12.5 acres. The arithmetic mean of these parcels is 1.67 acres, and the mode (the value which occurs most frequently) is .6 acres.

The four AE parcels measure approximately 30, 61, 70, and 110 acres. Including these four parcels in the analysis, the arithmetic mean rises to 4.4 acres, while the mode remains at .6 acres. Excluding the 110 acre parcel, which is now owned by the Wildlife Conservation Board and therefore cannot be developed, the arithmetic mean becomes 3.3 acres.

The court in Billings concluded that the Commission should identify the "typical" or "representative" parcel size. Where the presence of several large parcels would skew the average, the mode provides a better picture of the typical parcel size in the area. In this instance, due to the presence of several large agricultural parcels, the arithmetic mean of surrounding parcels is larger than the minimum parcel size (2.5 acres) allowable under the LCP amendment. However, the mode of surrounding parcels is smaller than 2.5 acres, and therefore the Commission finds that the LUP amendment is consistent with this part of Section 30250(a).

The other test established for land divisions outside existing developed areas refers to the development status of usable parcels in the area. In this case, some 84% of the residential parcels within the quarter-mile radius are developed (77 out of 91 parcels). In other instances, the Commission has sometimes looked to an area broader than a quarter-mile radius to apply this test, for instance where the market area for similar properties is larger than the quarter-mile radius. In this case, although the market area is arguable greater than the radius, the high

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buildout of the parcels in the immediate vicinity convinces the Commission that it is unnecessary to look further afield. The proposed LCP amendment is consistent with the rural land division criteria of Section 30250(a).”

On the basis of the above analysis, the Commission certified the LCP amendment and the 2.5-acre minimum parcel size for the subject property as being consistent with the rural land division criteria of Section 30250(a) of the Coastal Act. Humboldt County has since approved coastal development permits for the portions of the proposed subdivision within the County’s coastal development permit jurisdiction, determining that the subdivision conforms with this minimum parcel size standard as all of the lots to be created are 2.53 acres or greater in size. The development history in the area over the twelve years since the Commission certified the LCP amendment has not affected the conformance of the 2.5-acre minimum parcel size established for the subject property with the rural land division criteria of the Coastal Act. Other than the division of the subject property itself approved by the County, there have been no significant land divisions or parcel mergers approved either by the County or the Coastal Commission within the ¼-mile radius area around the subject property that the Commission examined in its review of the LCP amendment’s conformance with the rural land division criteria. Thus, the average, mode and median size of surrounding parcels have not changed appreciably. Additional homes have been approved and constructed over the last 12 years within the ¼-mile area, and thus the percentage of parcels that have been developed has risen from the 84% development percentage that the Commission determined existed for the area when the Commission certified the LCP amendment. Therefore, the Commission finds that the proposed subdivision is consistent with the rural land division criteria of Section 30250(a) of the Coastal Act.

E. New Development.

Coastal Act Section 30250 (a) states in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30250(a) of the Coastal Act states that new development shall be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

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As discussed in the previous finding, the proposed subdivision is located within an area that has been planned and zoned to accommodate it. The proposed residential subdivision is consistent with the rural residential use and zoning designations applied to the site and the parcel sizes proposed of all of the parcels to be created by the subdivision exceed the 2.5-acre minimum parcel size required by the zoning ordinance.

In certifying LCP Amendment 1-88, the Commission found that with the proposed parcel density of one dwelling unit per 2.5 acres, future residential development could likely be served by on-site septic systems and on-site wells. The applicant is proposing that the residential parcels to be created be served by on-site sewage disposal and water systems. Test wells and soils evaluations have been conducted to evaluate the suitability of the site for sewage septic systems and to evaluate the suitability of groundwater found at the site for residential use. These studies included evaluations performed by A.M. Baird Engineering and Vroman Engineering in the mid-1980s and more recent study performed by Water B. Sweet, Civil Engineers. The studies indicate that the soils are adequate to accommodate on-site septic systems and sufficient groundwater is available to serve the proposed residential uses of the site. In a letter dated October 20, 1999 to the Commission, the Humboldt County Department of Public Health, Division of Environmental Health states that the Department has reviewed Phase II of the subdivision. The letter states specifically that the applicant has submitted sewage disposal information and water quantity testing information for each parcel for the Department's review and the Department recommends approval.

With regard to road services, County concluded in its review of the subdivision that the added traffic generated by future residents of the subdivision would not create a significant impact on traffic and that necessary emergency access to and from the site would not be adversely affected. Within the County's coastal permit jurisdiction, the applicant proposes to extend Walker Point Road to serve the new parcels that would be created. The County has required that the road extension meet County standards.

As (1) the proposed subdivision will be located in an area planned and zoned for residential development at the density proposed by the applicant; (2) the applicant has submitted evidence that on-site sewage disposal systems and water wells will be adequate to serve the development; and (3) proposed road improvements will be built to County standards to maintain and provide adequate vehicular access to the site and the County has determined there will be no significant traffic impact resulting from the project, the Commission finds that the proposed development is consistent with Section 30250(a) of the Coastal Act to the extent that the development will be located in an existing developed area able to accommodate it.

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F. Environmentally Sensitive Habitat Area.

Coastal Act Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

At least two biological surveys have been performed on the property in the past (see Exhibit 8). Newton and Associates (June 30, 1987) prepared a biological assessment for the entire Mid-County Ranch property (including Phases I and II and the current proposed “remainder” parcel). Theiss and Associates (1992) prepared an additional study for Lot 7 of Phase I, the 15.3-acre parcel that adjoins Myrtle Avenue. Within the Commission’s coastal development permit jurisdiction, the reports identify riparian areas associated with Fay Slough, which traverses through through lowland areas at the southern end of the property, a remnant salt marsh along the banks of Fay slough, a brackish marsh within Fay Slough, and grazed seasonal wetlands in the lowland areas. The salt marsh contains two rare plant species, the Humboldt Bay gumplant (Grindelia stricta ssp. blakei) and the Humboldt Bay owl’s clover (Orthocarpus castillejoides var. humboldtensis). The wetland/upland boundary occurs at approximately 10-foot elevation above Mean Sea Level, near the base of the hill that comprises Walker Point. All portions of the subject property below the 10-foot elevation constitute various kinds of wetlands except for an area filled prior to the Coastal Act off of Myrtle Avenue that supports the existing residence on proposed Lot 7. The biological consultants recommend that a 100-foot-wide resource buffer be established between the wetlands and the developable areas of the lots.

In its approval of the two tentative maps and the two coastal development permits it granted for the subdivision, the County required that a 100-foot wetland protection area be established around the wetlands at the site. The County required that the 100-foot wetland protection area (including the 100-foot buffer and wetlands themselves) be shown on Development Plans and be designated as “unbuildable.” Other limitations restricting development in the areas between the wetland protection area and the 40-foot elevation above Mean Sea Level designed to limit impervious surfaces and promote the infiltration of runoff from the development also are to be noted on the Development Plans. The Development Plans also required to include a notation stating that the restrictions in the Development Plans shall be binding on all future development of the parcels created by the subdivision and that a modification to the coastal development permit shall be required to alter these requirements. Other special conditions of the County approvals

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required that the applicant record a “Notice of Development Plan and Geology Report” for all lots and that all grading and drainage plans for road and utility construction demonstrate conformance with the Development Plans.

Building sites have been identified for all of the parcels to be created by the proposed subdivision that were not already developed with a single family residence prior to the subdivision being approved by the County. All of the identified building sites are near the top of Walker Point, outside of the Commission’s coastal development permit jurisdiction and well away from the identified wetland, riparian, and rare plant habitat on the site. Therefore, the proposed subdivision would not result in the development of future homes on the parcels in or closely adjacent to environmentally sensitive habitat areas that would adversely affect the environmentally sensitive habitat contrary to Section 30240.

However, depending on their location, nature, and extent, the future development of accessory structures to the single family residences, such as fences, storage sheds, yard improvements, pathways, or grading for landscaping improvements, or other minor development activities normally associated with single family residences could potentially affect the environmentally sensitive habitat within the Commission’s jurisdiction. Many of these kinds of development activities are normally exempt from the need to obtain a coastal development permit under Section 30610(a) of the Coastal Act. In addition, future purchasers of the parcels may want to build in areas where such development would adversely affect the environmentally sensitive habitat on the property within the Commission’s jurisdiction.

To ensure that any future development on the subject property that is not proposed under the current application would not be located where it would adversely affect the sensitive habitat, the Commission attaches Special Condition No. 1, requiring recordation of deed restrictions regarding future development. This condition requires that any future development on the subject property within the Commission’s jurisdiction, including any additions or other structures that might otherwise be exempt from coastal permits under the Coastal Act and the Commission’s administrative regulations, will be reviewed by the Commission so that the Commission can ensure that the development will be located and designed in a manner that will not disrupt the habitat values of the environmentally sensitive habitat areas. Section 13250(b)(6) of Title 14 of the California Code of Regulations specifically authorizes the Commission to require a permit for improvements that could involve a risk of adverse environmental effect. The Commission notes that the requirement of Special Condition No. 1 to record a deed restriction will ensure that future purchasers of the property are notified of the need to obtain a coastal development permit for any development within the Commission’s permit jurisdiction at the site.

As conditioned, the Commission finds that the proposed development is consistent with Section 30240 of the Coastal Act as (1) no development would occur within any environmentally sensitive habitat area, (2) development on the property will be sited and designed to prevent impacts which would significantly degrade those areas and will be

compatible with the continuance of the habitat, and (3) future development that might occur on the property within the Commission's jurisdiction will be reviewed by the Commission to ensure that such development also does not adversely affect the environmentally sensitive habitat areas on the property.

G. Agricultural Resources.

Coastal Act Section 30241 states:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Coastal Act Section 30242 states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted

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conversion shall be compatible with continued agricultural use on surrounding lands.

The above sections of the Coastal Act set forth several policies relating to coastal agriculture including (a) limiting conversions of agricultural lands (b) maintaining prime agricultural lands in agricultural production, and (c) minimizing conflicts between agricultural and urban land uses.

Prior to the late 1980s, the subject property was part of a large ranch, devoted primarily to cattle grazing. At the beginning of 1987, the Ranch consisted of 425 acres of seasonal wetlands and uplands. Later in 1987, 350 acres of seasonal wetlands on the property were purchased by the Wildlife Conservation Board (WCB) for management by the Department of Fish and Game. Purchase of the property by the WCB, which buys only from willing sellers, was facilitated by a lot line adjustment requested by the property owner. That lot line adjustment resulted in three parcels: a wetland parcel measuring approximately 240 acres located within the City of Eureka, a second wetland parcel measuring 110 acres in Humboldt County's jurisdiction, and a primarily upland 75-acre parcel (Parcel #3) in the County's jurisdiction, which is the property proposed to be divided under the current coastal development permit application.

The lot line adjustment which facilitated purchase by the WCB of part of the original 425-acre parcel was not subject to coastal development permit review, since the Coastal Act specifically exempts from the definition of development those land divisions brought about in connection with the purchase of land by a public agency for public recreational use (PRC 30106).

Some cattle grazing still occurs on portions of the subject property, but the subject property is no longer part of an active ranch. Other lands to the south, southwest, and southeast of the property are used for agricultural grazing as well.

Limiting Conversion of Agricultural Lands

LCP Amendment No. 1-88 redesignated and rezoned the property from Agricultural Exclusive to Rural Residential. Although the Rural Residential land use designation and zoning district allow for agricultural uses, the designation and zoning district are primarily a residential designation and zoning district. The minimum parcel sizes allowable in Rural Residential lands such as the 2.5-acre minimum parcel size applicable to the subject parcel are too small to sustain an ongoing agricultural operation.

Recognizing that the LCP Amendment No. 1-88 would change the land use plan designation and zoning in a manner that would no longer accommodate an on-going agricultural operation, the Commission analyzed the proposed LUP amendment for conformance with the agricultural conversion policies of Sections 30241 and 30242 of

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the Coastal Act and found that the proposed amendment was consistent with these provisions (see Exhibit 7). Thus, the Commission effectively approved the conversion of the subject property from agriculture to residential use when it certified LCP Amendment No. 1-88. Therefore, the Commission finds that the proposed subdivision is consistent with the agricultural conversion policies of Sections 30241 and 30242 in that the proposed subdivision proposed in Coastal Development Permit Application No. 1-99-031 does not involve a conversion of agricultural lands.

Maintaining Prime Agricultural Lands in Agricultural Production

The proposed residential subdivision could adversely affect the limited use that is currently made of the property for agricultural production. As noted above, Section 30241 of the Coastal Act requires that the maximum amount of prime agricultural lands be maintained in agricultural production. Information developed for the LCP Amendment indicates that the soils on the subject property are not considered to be prime agricultural soils as defined by Section 30113 of the Coastal Act and Section 51201 of the Government Code. The slopes of the low ridge on the subject property are classified by type as "Hookton 8," with a Storie index of 61. In this location, the principal limitation on agricultural use is the moderately steep slopes (8-16%) which create a risk of erosion.

"Prime agricultural land" is defined by the Coastal Act (Sec. 30113) and the Government Code (Sec. 51201) to include any one of several characteristics of crop-producing or grazing capability. The subject property fails to meet the thresholds established by the Government Code definition. That is, the property is not planted with crops or nut-bearing trees; the livestock carrying capacity of the upland 60 acres is indicated by the property owner to be .11 animal units/acre/year, which is well below the threshold of 1 animal unit/acre/year; the Storie index of the property, ranging from 61 to 72, falls below the threshold of 8-; and the capability classification of the Hookton 2 and 8 soils is likely to be III or lower, which is below the threshold of class II.

Therefore, the Commission finds that the proposed subdivision is consistent with the requirements of Section 30241 of the Coastal Act that the maximum amount of prime agricultural land be maintained in production as the site includes no prime agricultural land

Minimizing Conflicts Between Agricultural and Urban Land Uses

In its findings certifying LCP Amendment No. 1-88, the Commission found that the proposed residential subdivision will minimize conflicts between agricultural and urban land uses for several reasons. First, a stable boundary between the residential uses to be made of the subdivision and agricultural lands exists because the agricultural lands consists mainly of grazed seasonal wetlands that do not have the same development capability of the subject property. The subject property encompasses Walker Point, a

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hilly upland area without wetlands where development of residential uses would not conflict with wetland fill policies of the Coastal Act, certified LCP, and other applicable laws and land use policies. Second, the need for any future development on the subdivision site to maintain a wetland buffer to satisfy LCP and Coastal Act policies regarding the protection of environmentally sensitive habitat ensures that future residential development of the property will maintain a buffer from adjoining agricultural lands. The wetlands at the site completely separate the subject property from adjoining agricultural lands. Finally, the Commission found in its certification of LCP Amendment No. 1-88 that the relatively large 2.5-acre minimum parcel size for the creation of residential parcels and the evidence that on-site sewage disposal facilities can be adequately accommodated on such lands would ensure that residential use of the subject property would not adversely affect the health and productivity of the adjacent lands for agricultural use.

The Commission finds that for all of these same reasons, the residential subdivision now proposed for the subject property in Coastal Development Permit Application No. 1-99-031 would minimize conflicts between agricultural and urban lands uses if future residential development on the property actually does maintain a buffer from adjoining agricultural lands. As proposed, however, the project does not ensure that such a buffer would be maintained.

As noted in the finding addressing the protections of environmentally sensitive habitat areas, building sites have been identified for all of the parcels to be created by the proposed subdivision that were not already developed with a single family residence prior to the subdivision being approved by the County. All of the identified building sites are near the top of Walker Point, outside of the Commission's coastal development permit jurisdiction and well away from the adjoining agricultural lands. Therefore, the proposed subdivision would not result in the development of future homes on the parcels in or closely adjacent to agricultural lands where they would adversely affect the agricultural productivity of those lands.

However, depending on their location, nature, and extent, the future development of accessory structures to the single family residences, such as storage sheds, yard improvements, pathways, or grading for landscaping improvements, or other minor development activities normally associated with single family residences could potentially affect the productivity of the adjoining agricultural lands. Many of these kinds of development activities are normally exempt from the need to obtain a coastal development permit under Section 30610(a) of the Coastal Act. In addition, future purchasers of the parcels may want to build in areas where such development would adversely affect the environmentally sensitive habitat on the property within the Commission's jurisdiction.

To ensure that any future development on the subject property that is not proposed under the current application will not be located where it will adversely affect the productivity

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of the adjoining agricultural lands, the Commission attaches Special Condition No. 1, requiring recordation of deed restrictions regarding future development. This condition requires that any future development on the subject property within the Commission's jurisdiction, including any additions or other structures that might otherwise be exempt from coastal permits under the Coastal Act and the Commission's administrative regulations, will be reviewed by the Commission so that the Commission can ensure that the development will be located and designed in a manner that will maintain a suitable buffer so as not to adversely affect the productivity of the adjoining agricultural lands. Section 13250(b)(6) of Title 14 of the California Code of Regulations specifically authorizes the Commission to require a permit for improvements that could involve a risk of adverse environmental effect. The Commission notes that the requirement of Special Condition No. 1 to record a deed restriction will ensure that future purchasers of the property are notified of the need to obtain a coastal development permit for any development within the Commission's permit jurisdiction at the site.

As conditioned, the Commission finds that the project is consistent with the requirement of Section 30241 of the Coastal Act that conflicts be minimized between agricultural and urban land uses as proposed home sites are located well away from adjoining agricultural lands and the Commission will be able to review future residential development on the subject property to ensure that a suitable buffer and stable boundary is maintained between future residential use and the adjoining agricultural lands.

Conclusion

Therefore, the Commission finds that the proposed development, as conditioned is consistent with Sections 30241 and 30242 of the Coastal Act as (1) the development does not involve a conversion of agricultural lands and thus is consistent with the agricultural conversion provisions of these sections, (2) the maximum amount of prime agricultural land will be maintained in production as the site includes no prime agricultural land, and (3) conflicts will be minimized between agricultural and urban land uses as proposed home sites are located well away from adjoining agricultural lands and the Commission will be able to review future residential development on the subject property to ensure that a suitable buffer and stable boundary is maintained between future residential use and the adjoining agricultural lands.

8. Protection of Archaeological Resources

Coastal Act Section 30244 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

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An archaeological study of the subject property was done in 1987-1998. The study indicated that archaeological resources have been found on the site within the areas recommended to be established as wetland/riparian buffer area by the biological surveys performed for the subject property.

As noted previously, building sites have been identified outside of the Commission's coastal development permit jurisdiction and well away from the identified environmentally sensitive habitat areas within the Commission's jurisdiction, and consequently well away from the identified archaeological resources. Therefore, the proposed subdivision would not result in the development of future homes where they would adversely affect the archaeological resources on the property.

However, depending on their location, nature, and extent, the future development of accessory structures to the single family residences, such as fences, storage sheds, yard improvements, pathways, or grading for landscaping improvements, or other minor development activities normally associated with single family residences could potentially have adverse effects on the archaeological resources on the site. As discussed previously, many of these kinds of development activities are normally exempt from the need to obtain a coastal development permit under Section 30610(a) of the Coastal Act.

To ensure that any future development on the subject property that is not proposed under the current application will not be located where it will adversely affect archaeological resources, the Commission attaches Special Condition No. 1, requiring recordation of deed restrictions regarding future development. This condition requires that any future development on the subject property within the Commission's jurisdiction, including any additions or other structures that might otherwise be exempt from coastal permits under the Coastal Act and the Commission's administrative regulations, will be reviewed by the Commission so that the Commission can ensure that the development will be located and designed in a manner that will not adversely affect the archaeological resources of the site. Section 13250(b)(6) of Title 14 of the California Code of Regulations specifically authorizes the Commission to require a permit for improvements that could involve a risk of adverse environmental effect

As conditioned, the Commission finds that the project is consistent with Section 30244 of the Coastal Act as the subdivision will not cause future residential development of the subject property to be located where it could adversely affect archaeological resources.

5. Public Access.

The proposed project is located between the nearest public road and Fay Slough, an arm of the sea. Section 30604(c) of the Coastal Act requires every permit issued for any development between the nearest public road and the sea or the shoreline of any body of water within the coastal zone to include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

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Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212 states in applicable part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) Adequate access exists nearby, or,*
- (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway...*

Section 30210 of the Coastal Act requires maximum access and recreational opportunities to be provided for all the people consistent with the need to protect public rights, rights of private property owners and natural resource areas. Section 30211 of the Act requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby.

In applying Sections 30210, 30211, and 30212, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

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The site is located in an area traversed by a series of tidally influenced sloughs that have a hydrological connection to Humboldt Bay, but are not part of the Bay itself. To the west of the project site, within the Fay Slough Wildlife Area managed by the Department of Fish & Game, public access is available along dikes bordering Fay Slough and along other dikes within the wildlife area. The area around Fay Slough in the immediate vicinity of the project site is not currently open for public access use. However, in conjunction with the County's approval of a tentative map for Phase I of the Mid County Ranch subdivision in 1992, the applicants recorded an irrevocable offer to dedicate an easement for public access from the terminus of Walker Point Road to the toe of Walker Point and around the western perimeter of the property adjacent to the Fay Slough Wildlife Area. The offer has not yet been accepted.

There are no trails or other public roads that provide shoreline access to Fay Slough within the vicinity of the project. Although the proposed subdivision would increase residential density in the area by adding a total of 11 additional homesites, any additional demand for public access created by the subdivision would be accommodated by the already recorded offer of dedication of public access.

Therefore, the Commission finds that the project as proposed without any new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

6. Violation: Unpermitted Development

Without benefit of a coastal development permit, development has been undertaken consisting of the recording of a final map for Phase I of the proposed subdivision.

Consideration of the application by the Commission has been based solely upon the policies of the Coastal Act. Action on this permit request does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

4. California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures which will

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minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Permit Jurisdiction
4. Proposed Subdivision
5. LUP Designations
6. Zoning
7. Adopted Findings for Certification of LCP Amendment No. 1-88
8. Biological Surveys

ATTACHMENT A

Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.